

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CLAUDIA RAMIREZ, et al.,
Plaintiffs,

v.

CORNERSTONE BUILDING BRANDS,
an unknown business entity; PLY GEM
WINDOWS, an unknown business
entity, et al.,
Defendants.

No. 2:21-cv-01017-MCE-JDP
(consolidated case)

ORDER

NATHANIEL WILLIAMS, et al.,
Plaintiffs,

v.

PLY GEM PACIFIC WINDOWS
CORPORATION, et al.,
Defendants.

No. 2:22-cv-00038-MCE-JDP

Both above-captioned wage and hour lawsuits allege that Defendants followed certain policies and practices that violated California labor law. In addition, both matters seek to certify a class of plaintiffs, consisting of Defendants' current and former employees, to pursue these claims. By Stipulation presented to the Court on April 13, 2021 (ECF No. 20), the parties agreed to consolidate both actions, agreeing that similar

1 claims were presented, that the employer at issue was the same (Defendant Ply Gem
2 Pacific Windows), and that Ply Gem would assert the same defenses in both
3 proceedings. By Order dated April 20, 2022, the Court approved consolidation for all
4 purposes, designated the earlier-filed Ramirez lawsuit as the master file, and
5 administratively closed the later-commenced Williams action. ECF No. 21.

6 Presently before the Court for adjudication is a Motion to Remand (ECF No. 13)
7 filed in the Williams matter prior to consolidation. Significantly, a similar Motion to
8 Remand has already been denied in Ramirez, and the Court finds its determination there
9 to be equally applicable to the instant motion.

10 As indicated above, the parties themselves concede that the two cases are nearly
11 identical. Substantially the same causes of action are alleged, and both remand
12 requests turn upon arguments that the evidence submitted on behalf of Defendant Ply
13 Gem is insufficient to satisfy the \$5,000,000 amount in controversy required by the Class
14 Action Fairness Act of 2005, as codified at 28 U.S.C. § 1332(d) (“CAFA”). CAFA is the
15 sole basis for this Court’s jurisdiction in both cases.

16 Review of the Williams Motion to Remand indicates that the arguments advanced
17 therein are largely the same as those already rejected in Ramirez. Moreover, in
18 opposing both motions, Ply Gem offers nearly identical evidence in the form of original
19 and supplemental declarations from Shannon Anderson, Ply Gem’s West Coast Human
20 Resources, that attach spreadsheets supporting the conclusion that well over
21 \$5,000,000 is potentially in controversy in both cases. Most importantly, the rationale of
22 Order denying remand in Ramirez (ECF No. 19) applies equally to Williams.

23 Examination of the allegations made in both complaints shows that a pattern or
24 practice of wage loss violations are asserted. See Ramirez Compl., ECF No. 1-2, ¶ 41;
25 Williams Compl., ECF No. 1-1, ¶¶ 6, 15. 42. The fact that the Williams Complaint also
26 indicates that the violations occurred “from time to time” or “often” does not detract from
27 its repeated references to “company-wide policies and procedures” that violated

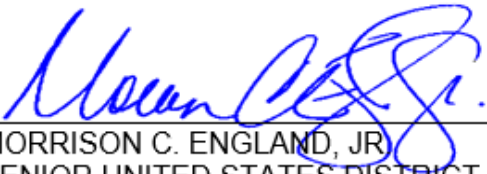
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1 California labor laws. In the face of such allegations, Ply Gem's amount in controversy
2 calculations based on a twenty percent violation rate are reasonable.

3 Plaintiffs' Motion to Remand, filed in the Williams lawsuit (ECF No 13), is
4 accordingly DENIED.¹

5 IT IS SO ORDERED.

6 Dated: May 12, 2022

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8 MORRISON C. ENGLAND, JR.
9 SENIOR UNITED STATES DISTRICT JUDGE
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28 ¹ Having determined that oral argument would not be of material assistance, the Court order the
matter submitted on the briefs in accordance with E.D. Local Rule 230(g).